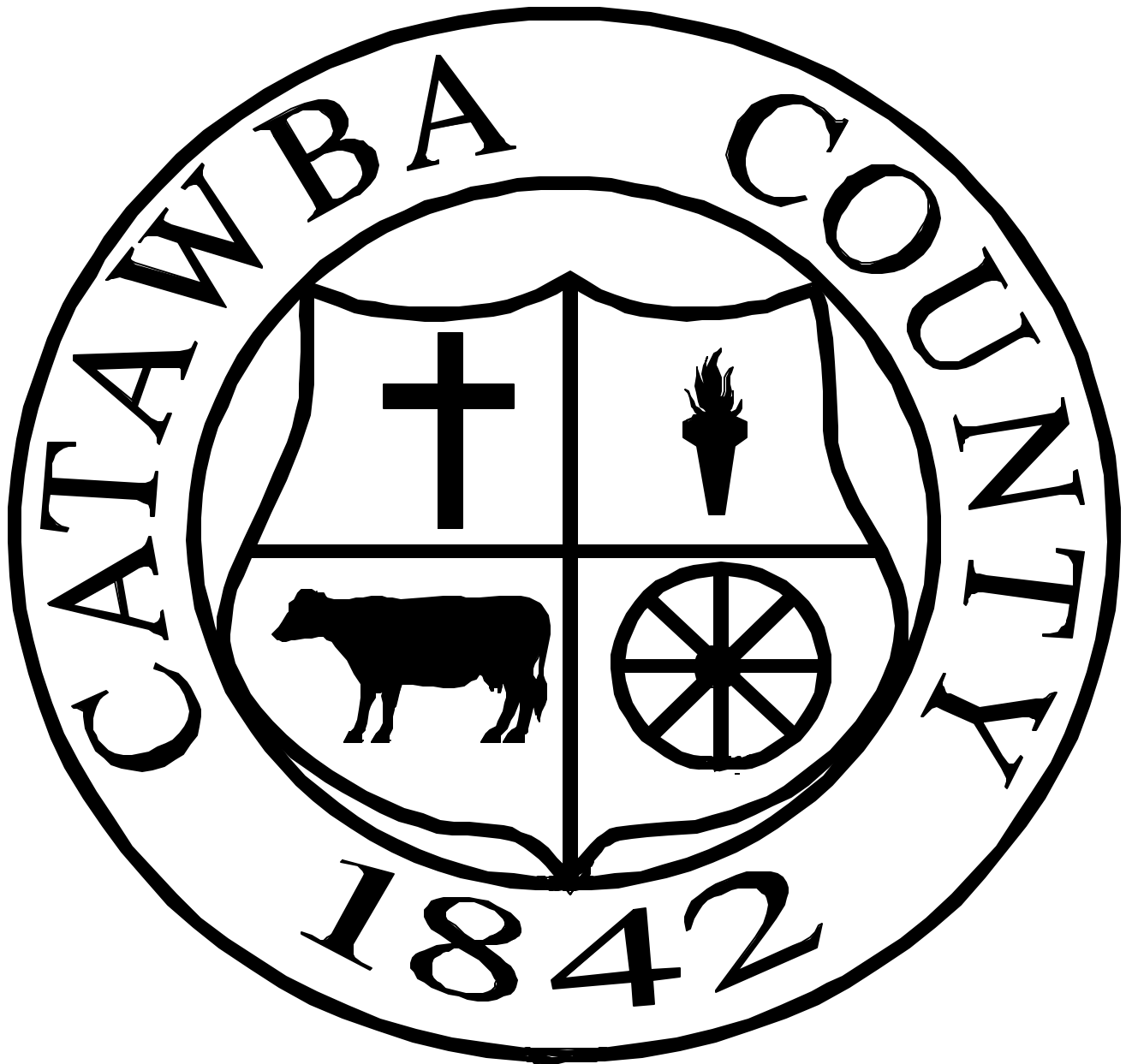


**DIVISION 6. 321-ECONOMIC DEVELOPMENT DISTRICT (321-ED)  
(SPECIAL DISTRICT-5)**



Current as of 1/01/2003

## **DIVISION 6. 321-ECONOMIC DEVELOPMENT DISTRICT (321-ED) (SPECIAL DISTRICT-5)**

### **Sec. 44-801. Statement of intent.**

- (a) The adopted U.S. 321 corridor district plan represents formal policy statements by the county concerning land use and land development within the corridor. The 321-economic development district (321-ED) is designed to implement these policy statements and achieve the desired goals for the 321 corridor. Specifically, the 321-ED district will accomplish the following:
  - (1) Promote a sensitive conversion of farmland and vacant land to more urban uses.
  - (2) Support development that is compatible with and, whenever possible, enhances the visual attractiveness of the land.
  - (3) Promote well-planned, economically viable development of all types.
  - (4) Ensure safe and efficient traffic flow along the U.S. 321 corridor district roadways.
  - (5) Protect the environment by providing clean air, clean water and an appropriate mix of natural vegetation and wildlife.
  - (6) Encourage orderly and sensitive planned development, especially at the interchanges.
  - (7) Avoid uncoordinated, strip development patterns.
  - (8) Promote flexibility in individual site design including diversification in the location of structures, parking areas and other components.
  - (9) Encourage the efficient use of land to facilitate an economical arrangement of buildings, traffic circulation systems, land uses and utilities.
  - (10) Provide for more usable and suitably located recreation facilities and other public and common facilities than would not otherwise be provided under conventional land development procedures.
  - (11) Encourage high quality development.
  - (12) Ensure that adequate traffic capacity is available to serve proposed projects.
  - (13) Create an environment that supports opportunities for alternative residential development that consists of well-planned, affordable housing.
  - (14) Encourage cooperation between local governments concerning municipal growth and service extensions.
  - (15) Support mixed-use projects that enhance opportunities to work, shop, entertain and recreate on the same or adjacent sites.
  - (16) Enhance the economic, tax and employment base for the county and each municipality.
- (b) It is the intent of the 321-ED district to implement these strategies as well as the specific policies contained in the U.S. 321 corridor district plan. More specifically, the district is

designed to combine the general characteristics and provisions of one or more existing zoning districts and incorporate the policies of the U.S. 321 corridor district plan. Similar to planned development districts, the 321-ED district will promote high-quality development through well-planned, well-designed development.

(Code 1995, § 515.243(A))

#### **Sec. 44-802. Boundaries.**

The boundaries of the 321-economic development district (321-ED) (special district-5) are shown on the official zoning atlas, and the 321-ED district is the only new zoning classification, besides existing residential, allowed in the U.S. 321 corridor. The U.S. 321 corridor is defined in the adopted 321 corridor district plan. Because of the unique nature of the 321-ED district, requests to rezone land to the 321-ED district shall only be allowed within the 321 corridor district boundaries, set forth in the adopted 321 corridor district plan and corresponding maps.

(Code 1995, § 515.243(B))

#### **Sec. 44-803. Applicability.**

- (a) Persons wishing to develop property of any size, type or density within the 321-economic development district (321-ED) (special district-5) shall comply with the standards in this division in addition to the applicable requirements of this chapter. More specifically, no building or structure shall be erected or altered for any purpose except in accordance with the requirements in this division.
- (b) Existing single-family, site-built or manufactured homes and duplexes are exempt from the requirements of the 321-ED district as long as the property is being used for residential purposes. Additions to such structures or accessory uses are permitted subject to the zoning requirements of the district prior to the time the property was rezoned to the 321-ED district. Existing single-family, site-built or manufactured homes and duplexes which are partially or fully destroyed may be rebuilt or repaired as a matter of right. Churches and existing commercial/office institutional/industrial uses or properties are exempt from the provisions of the 321-ED district; however, they shall be subject to the requirements of this chapter prior to their inclusion in the corridor.
- (c) The provisions of this plan shall not be applicable to county public facilities as stipulated in section 44-5(k).
- (d) The 321-ED district regulations in this division shall apply generally to the development of land through the review process contained in this division. Where there are conflicts between the special regulations in this division and general zoning, subdivision, or other regulations or requirements, the more restrictive requirement shall apply in 321-ED districts, unless the county planner finds, in the particular case, that provisions in this division do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.
- (e) Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable 321-ED regulations or general regulations, but the county planner makes a finding, in the particular case, that public purposes are satisfied to an equivalent or greater degree, the county planner may make specific modification of the regulations in the particular case. However, where floor area and similar ratios as well as maximum permitted densities have been established by this division, the county planner shall not

act, in a particular case, to modify such ratios or maximums.

- (f) Except as indicated in this section, notwithstanding procedures and requirements generally in effect, procedures and requirements set forth in this division shall apply in 321-ED districts to any amendments creating such districts and to issuance of all required permits.

(Code 1995, § 515.243(C))

#### **Sec. 44-804. Appeals.**

For the purposes of this division, appeals shall follow the procedures set forth in section 44-44.

(Code 1995, § 515.243(D))

#### **Sec. 44-805. Definitions.**

The definitions found in section 44-4 shall apply to the 321-economic development district (321-ED) (special district-5). In addition, for purposes of the 321-ED district, in determining whether the minimum five-acre requirement for a general development plan (GDP) is met, five acres shall be defined as any parcel having a combined total acreage of greater than or equal to 4.5 acres.

(Code 1995, § 515.243(E))

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 44-806. Permitted principal and accessory uses and structures and special uses.**

- (a) Generally, the 321-economic development district (321-ED) (special district-5) shall include two distinct use elements:
  - (1) *321-ED(MX)*: Any combination of retail commercial, office/institutional and residential components but never exclusively large-lot single-family homes.
  - (2) *321-ED(I)*: Primarily industrial/warehousing/distribution with an accessory office/institutional component.
- (b) One of these two elements shall be indicated on all rezoning applications and shall be delineated on the official zoning atlas.
- (c) More specifically, the following principal and accessory uses and structures may be permitted in the 321-ED districts, subject to the limitations and requirements set forth. The listings are intended to be illustrative, except where limitations are set forth, rather than rigidly inclusive. Uses which are not expressly listed shall be permitted in the district where similar uses are permitted:
  - (1) 321-ED(MX) districts. The following uses are permitted:
    - a. Retail stores, except those dealing primarily in secondhand merchandise other than antiques, including the following:
      - 1. Bakeries, confectioneries, delicatessens, fish markets, meat markets, and the like, with products processed or prepared on the premises sold only at retail on the premises.
      - 2. Clothing stores, shoe stores.

3. Drugstores, newsstands, tobacco shops.
  4. Florists, gift shops, jewelry stores, stationery stores, specialty shops.
  5. Groceries, supermarkets.
  6. Hardware, sporting goods, garden supply stores.
  7. Variety stores.
- b. Financial institutions.
  - c. Service stations, but not repair garages, provided that no more than two service stations shall be permitted in any GDP, and that no service station site shall consist of more than 25,000 square feet of the GDP site, and that total area in service station use shall not exceed five percent of the area of the GDP site.
  - d. Theaters.
  - e. Personal service establishments, including but not limited to:
    1. Barbershops, beauty shops.
    2. Cleaning and laundry agencies; cleaning and laundry establishments not employing more than ten persons in cleaning and/or laundry operations, and processing only goods delivered to and picked up from the premises by individual customers; coin-operated laundry and dry-cleaning facilities.
  - f. Bowling alleys and similar commercial recreation establishments.
  - g. Offices; clinics, other than veterinary offices or clinics; studios; laboratories; business, professional, labor, civic, social, and fraternal offices.
  - h. Funeral homes.
  - i. Banks, savings and loan associations, and similar financial institutions.
  - j. Hospitals.
  - k. Schools.
  - l. Hotels/motels.
  - m. Child care nurseries; day care centers; prekindergarten, kindergarten, play and other special schools, or day care facilities for young children.
  - n. Adult care centers.
  - o. Libraries, museums, and galleries.
  - p. Auditoriums and their accessory facilities.
  - q. Social, recreational, and cultural facilities, such as neighborhood or community centers, game rooms, libraries, golf courses, swimming pools, tennis courts, and the like.
  - r. Eating and drinking establishments.

- s. Structures and uses required for operation of a public utility or performance of a governmental function, except uses involving extensive storage, or with storage as the principal purpose. Utility substations other than individual transformers shall be screened as set forth in this division. The uses shall be appropriate to the character of the surrounding land uses.
  - t. Dwellings, single-family (large-lot, zero-lot-line and cluster), two-family, and multiple-family, provided that they are part of a mixed use GDP where a wide range of residential densities and options exist and in some instances may include land devoted to retail and/or office uses intended to serve the on-site residential development.
  - u. Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures.
- (2) 321-ED(I) districts. Permitted principal and accessory uses and structures shall be according to table 1 in section 44-87 and the corresponding E-1 zoning district. Business and professional service offices are also permitted uses.
- (3) Prohibited uses. For the purposes of maintaining visual attractiveness of the 321 corridor, the following uses are not permitted in any 321-ED district:
- a. Aboveground pipelines.
  - b. Asphalt products processing.
  - c. Auto repair or auto service shops.
  - d. Auto sales, storage or salvage yards.
  - e. Dragstrips or racetracks.
  - f. Drive-in theaters.
  - g. Flea markets (outdoor).
  - h. Lumberyards.
  - i. Manufactured and modular home sales.
  - j. Mining of earth products.
  - k. Open conveyor belts.
  - l. Open storage.
  - m. Solid waste disposal sites.
  - n. Tire recapping shops.
  - o. Wrecking yards or junkyards.
- (d) The following uses may be allowed as special uses in the 321-ED district in areas zoned R-2 residential and must be developed using the general development standards of the 321-ED district:
- (1) Airstrip.
  - (2) Boardinghouse, roominghouse and bed and breakfast.
  - (3) Campgrounds.

- (4) Cemetery, human public.
- (5) Cemetery, pet.
- (6) Circus, carnival or fair.
- (7) Commercial nurseries/landscaping businesses.
- (8) Ham radio antenna.
- (9) Hospice house-residential facility.
- (10) Kennel.
- (11) Membership organizations.
- (12) Public service facilities.
- (13) Public use facilities.
- (14) Radio frequency test facility.
- (15) Recreational fish lake or pond.
- (16) Roadside stand, commercial.
- (17) Telecommunications tower.

The approval of all special use requests in the 321-ED district must follow the procedures set forth in article X.

(Code 1995, § 515.243(F))

#### **Sec. 44-807. General development plan required.**

Any person wishing to develop land in the 321-economic development district (321-ED) (special district-5) shall submit a general development plan (GDP) for approval. The following general provisions shall apply to all GDPs:

- (1) *Contents of proposal.* The proposal must include the following:
  - a. The use of extraordinary screening and buffering from roadways and adjacent sites that virtually eliminates views from all directions;
  - b. Provisions that indicate that the majority of storage will occur in an enclosed building;
  - c. Provisions to significantly contain noise, odors, smoke and dust and light on site; and
  - d. Financial guarantees that public roadways that are damaged by the movement of heavy equipment or earthen materials shall be repaired at no cost to the public;
- (2) *Minimum parcel size.* Except as otherwise provided in this division, the minimum parcel size for submitting a GDP for review shall be five acres of contiguous property. Property may be subdivided into lots less than five acres subject to the requirements of subdivisions in subsection (3) of this section. The property may include more than one owner and more than one recorded lot, provided that the total property equals or exceeds five acres and the submitted GDP includes

development plans for the entire project site. Rezoning to the 321-ED district for property less than five acres may be requested, provided that any proposed GDP site will equal five acres or more. A GDP for a parcel or combined parcels of less than five acres, but greater than one acre, may be approved provided the overall policies and goals contained within the highway 321 corridor plan will not be compromised. GDPs pertaining to a parcel or combined parcels of less than five acres will be considered subject to the following criteria being met:

- a. Where a GDP, less than five acres, also provides for coordinated development with adjoining developments, including connected roads and shared driveways, such a plan may be approved provided the new development will not have independent driveway access onto a major/minor thoroughfare. The interior roads and driveways must be designed and built to connect to existing roads in the adjoining development. Any such plan shall be reviewed and approved by the planning board.
  - b. The remaining standards of the 321-ED zoning district are met.
- (3) *Subdivisions.* Subdivisions of land shall be allowed in the 321-ED district only through review and approval of a GDP so as not to compromise the integrity of the GDP regulations and to avoid interference with the assemblage of smaller parcels for more appropriate development. Land that is subdivided as part of a GDP project shall conform to the following in addition to other county regulations:
- a. *Parcel size.* Individual lot sizes shall be as indicated by the table in section 44-809(d)(3) pertaining to district site design and improvement standards, general subdivision lot requirements.
  - b. *Road designs.* All roads shall conform to the most recent design standards set forth by the state department of transportation.
  - c. *Applicable site design standards.* All applicable site design and improvement standards included in this division shall be adhered to upon plan submittal. The county planner shall determine what requirements apply.
  - d. *Future development of subdivided lots.* All future development of individual parcels in the subdivision shall submit a GDP and adhere to all applicable site design and improvement standards included in this division.
- (4) *Residential development.* The following shall apply to all residential development in the 321-ED district:
- a. *New site-built homes in 321-ED(I) district.* So as to not interfere with the assemblage of smaller parcels for more appropriate nonresidential uses, site-built single-family homes shall be prohibited in any 321-ED(I) district. However, the permanent or temporary placement of one single-section or multisection manufactured home on an existing lot of record shall be permitted as a use by right in any 321-ED(I) district subject to the dimensional, appearance and setup requirements in sections 44-181 and 44-182.



- b. *New site-built homes in 321-ED(MX) district.* Site-built single-family homes shall be permitted in the 321-ED(MX) district only as a portion of a mixed use project. The 321-ED(MX) district is intended to encourage a mixture of development types including a range of residential types and densities. All applicable standards and procedures included in this division shall be adhered to for all residential development projects in the 321-ED(MX) district.
- c. *Existing residential uses and structures in 321-ED district.* Existing single-family, site-built or manufactured homes and duplexes are exempt from the requirements of the 321-ED district as long as the property is being used for residential purposes. Additions to such structures or accessory uses are permitted subject to the zoning requirements of the district prior to the time the property was rezoned to the 321-ED district. Existing single-family site-built or manufactured homes and duplexes which are partially or fully destroyed may be rebuilt or repaired as a matter of right.

(Code 1995, § 515.243(G))

#### **Sec. 44-808. General development plan review.**

- (a) *Review process.* The following review process shall apply to all general development plan (GDP) projects in the 321-economic development district (321-ED) (special district-5):
  - (1) *Zoning enforcement officer.* Initial contact with the zoning enforcement officer.
  - (2) *Preapplication conference.* The conference will be a relatively informal meeting between developers and local government staff from each county department or outside agency as (e.g., planning, engineering, fire marshal, sheriff's department, state department of transportation district engineer, state division of water quality, U.S. Army Corps of Engineers). As much information as possible, preferably including sketch plans, should be presented to the local government staff by the developer. The developer may waive this meeting and submit the application for GDP review.
  - (3) *Application filing and staff review.* The application and review process is as follows:
    - a. The developer shall submit a GDP. On receipt of the GDP application, site plan, and detailed proposals as indicated in this section, the county planner shall cause a study to be made by the planning and zoning department, the county engineer and such other agencies or officials as appear appropriate in the circumstances of the case to determine conformity with the adopted land use plan, zoning and other regulations applicable in the case. Staff comments and concerns will be compiled by the county planner, who, in turn, assists the developer in making any necessary adjustments to the plans.
    - b. Following such review, unless complete conformity is found, the applicant shall be notified in writing by the county planner of discrepancies. The county planner will then work with the applicant in bringing the material submitted as nearly as possible into conformity with requirements or to

define specifically the modifications of regulations which seem justified in view of equivalent service of public purposes by the proposal.

- c. At such time as further changes appear unnecessary, the county planner shall review the GDP to ascertain whether the GDP meets the requirements of the 321-ED district.
- d. The county planner shall approve the GDP, conditioned on specific modifications, or disapprove, with recorded reasons therefor. After a GDP has been approved, zoning, watershed and building permits shall be issued in the same manner as for building permits generally, provided that any requirements concerning the order and location in which building permits are to be issued in the particular GDP shall be observed.
- e. Except as provided in subsection (a)(4) of this section, approval of final plans and reports shall be binding on the applicants and any successors in title, so long as 321-ED zoning applies to the land.
- f. GDP approval is an administrative action unless it is required to be approved by the planning board based on the size of the parcel as indicated in section 44-807(2)a pertaining to GDP requirements for minimum parcel size. No public notice or hearing is required in connection with approval proceedings on final plans or changes in approved plans. For nonresidential development, close coordination with the county economic development corporation (EDC) will be encouraged.

(4) *Changes in plans.* Changes in approved plans may be permitted by the county planner on application by the original applicant or successors in interest. A revised plan shall be required when the following occurs:

- a. Any increase in intensity of use. An increase in intensity of use shall be considered to be an increase in usable floor area; an increase in the number of dwelling or lodging units; or an increase in outside land area devoted to sales, displays or demonstrations.
- b. Any change in parking resulting in an increase or reduction of five percent or more in the number of spaces approved.
- c. Any reduction in the amount of open space, resulting in a decrease of more than five percent or any substantial change in the location or characteristics of open space.
- d. Any change in use.
- e. Substantial changes in pedestrian or vehicular access or circulation.

The county planner shall review the revised GDP to ascertain whether it meets the requirements of the current 321-ED district.

(b) *GDP submittal requirements.* Material submitted with the application or on subsequent request by the county planner shall include all plans, maps, studies and reports which are required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. More specifically, all of the following shall be required before the application shall be considered filed for processing:

(1) *Written report and agreement.* A report identifying all property ownerships and

beneficial interests within the boundaries of the proposed GDP and giving evidence of unified control of its entire area. The report shall state agreement of all present owners and holders of beneficial interest:

- a. To proceed with the proposed GDP review;
  - b. To conform with the process and standards for development review and to proposals for staging of development, according to requirements set forth in subsection (b) of this section;
  - c. To provide such bonds, dedications, easements, guarantees, agreements, deeds of trusts, contracts and/or covenants acceptable to the county attorney as necessary to protect the public interest in completion of such development according to approved plans and for provision and continuing operation and maintenance of such areas, facilities and functions as are not to be provided, operated or maintained at general public expense, and to provide such dedications, contributions or guarantees as are required for provision of needed public facilities and services; and
  - d. General intentions concerning future selling and/or leasing of property and structures.
- (2) *Site survey.* A survey of the proposed GDP site showing property lines and ownerships and existing features, including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
- (3) *Site plan requirements.* A site plan for the GDP, drawn at a scale no smaller than one inch equals 200 feet shown graphically. The site plan and all accompanying maps must be a minimum of 18 inches by 24 inches. Five copies of the site plan and accompanying maps shall be submitted to the county planner. Photos, diagrams and other visual aids may be used as support documentation. The site plan and accompanying information shall, where applicable, include the following:
- a. The name of the proposed development, and the names of the developer and professional planner.
  - b. Scale, date, north arrow.
  - c. Existing site conditions, including floodplains, wetlands, watershed designations, forest and vegetative cover, unique natural features, topographic contours, slopes over 15 percent and other site conditions listed in this subsection.
  - d. General plans for grading and site preparation. This may be submitted as a statement if more appropriate.
  - e. Quantitative data, including acreage of tracts to be included in the project, including any proposed lot lines, building densities, parcel size, open space calculations, market analysis and other calculations required by the county.
  - f. Location, height, floor area, and use of existing structures, if any, and approximate location, orientation, height, floor area and use of proposed

structures or portions of structures.

- g. Location, dimensions and proposed general uses (retail, office, etc.) of all buildings, including all required setback and buffer area boundaries as required in this division.
- h. Planned street circulation system, including all ingress and egress points, loading/service areas and pedestrian walkways including crosswalks. Traffic flow shall be delineated by directional arrows, and all directional and/or motorist aids shall be indicated.
- i. Location, character and scale of parking and service facilities, such as area and number of spaces in parking lots, character of structural parking and the like.
- j. Location of all service, maintenance, mechanical and trash/refuse areas and manner of screening as provided for in this division.
- k. Identification of surrounding land uses, streets and zoning; relation of abutting land uses and zoning districts, including, where view protection is an objective, location of principal public viewpoints into or through the site.
- l. General schematic landscape plan providing for the requirements in this division. The type, number, location and size (current and projected) of all plantings must be shown.
- m. Proposed treatment of the perimeter of the development, including fences, vegetative screens/buffers and walls.
- n. Existing lots and blocks, if any, and general pattern of proposed lots and blocks, if any.
- o. Location and acreage of existing or proposed public and quasipublic facilities for pedestrian use or common enjoyment, excluding automotive uses; scale of such systems; indication of open air and internal components.
- p. Location of all existing and proposed lighting standards complete with routing of electrical supply and the circumference area that will be lighted by each standard.
- q. Location, type, size and capacity of all existing and proposed utility systems.
- r. Location, type and dimensions of all existing and proposed signs, including electrical routing and required setbacks. Detailed drawings and any technical data for the proposed signs shall be included.

The site plan is required for determination as to internal relationships between or among uses and activities proposed and their supporting systems and facilities, and relation to surrounding uses, activities, systems and facilities. With respect to site plans, it is the intent of this division that such plans shall include all data necessary for determining whether the proposed development meets the specific requirements and limitations and the intent concerning development in the 321-ED district. Therefore, information in addition to that specified in this subsection

may be requested in connection with the site plan when necessary to make such determinations with respect to a particular GDP. Such information shall be provided, where necessary, to make such determinations before processing proceeds.

- (4) *Special surveys or reports.* Special surveys, approvals or reports required by law in the circumstances of a particular GDP proposal are required where development of a major element of the proposal or the entire proposal is dependent upon such special surveys, approvals or reports.
- (5) *Phasing plans.* Where a GDP is to be constructed in stages, the infrastructure and improvements must be in place on the initial phase before subsequent phases are developed.
- (6) *Restrictive covenants.* Proposals concerning any restrictive covenants to be recorded with respect to property included in the 321-ED district are required.
- (7) *Additional requirements.* The following additional maps, renderings and/or documentation shall also be submitted:
  - a. Stormwater controls and watershed regulations must be addressed early in the GDP project review process. This must include compliance with water supply watershed ordinances. Watershed permits shall be issued with the GDP approval.
  - b. Manner of disposing of solid waste.
  - c. Provisions for placing all utilities underground.
  - d. Potential historical or cultural sites, as identified in the county land development plan, the U.S. 321 corridor district plan or other adopted county documents or those listed on state or federal historic preservation lists, and means to protect them from the encroachment of incompatible uses.
- (8) *Driveway permit application.* The state department of transportation issues driveway permits for new driveway connections to the state highway system. Indication that a driveway permit has been applied for from the state department of transportation must be submitted.
- (9) *Site access study.*
  - a. A site access study, commonly referred to as a "traffic impact analysis or traffic impact statement," shall be prepared and submitted for the GDP when recommended by the state department of transportation district engineer. The site access study may also be prepared by the applicant to refute the necessity of one or more required traffic improvements. This study shall be completed by a professional engineer licensed in the state and familiar with the standard practice of site access analysis. A formal recommendation by the state district engineer concerning a refuted requirement may be substituted for the study.
  - b. The site access study will be used to determine and describe how traffic generated by new or altered land uses will be served by the existing relevant road network and what adjustments must be made to maintain the

same or similar level of service. The following information must be prepared as part of the site access study:

1. Peak hour trip generation for the proposed land use. Trip generation rates shall be obtained from Trip Generation, an Institute of Traffic Engineers (ITE) publication.
  2. Trip distribution to attractors and surrounding areas.
  3. Capacity analysis of adjacent intersections and all proposed access points in accordance with the latest federal highway administration (FHWA) highway capacity manual.
  4. Alternative analysis for a number of access points and any alternatives proposed by the developer or the local government.
  5. Recommendations for the necessary number and location of access points in accordance with calculated capacity and alternative analysis.
  6. An appendix, which shall include all calculations, technical data, visual diagrams and other applicable information.
  7. A traffic mitigation plan that suggests alternative improvements aimed at correcting any adverse impacts, or decreases in the levels of service, caused by the new development.
- c. The existing relevant traffic network includes all of the major and minor thoroughfares and collectors from the point of origin at the proposed development up to and including intersections with secondary roads. The study must show the impact of the proposed development on the level of service of the relevant streets in the traffic network. The term "level of service" refers to the categories A through F set forth in the US. 321 corridor district plan.
- d. The county, with assistance from the Hickory-Newton-Conover Metropolitan Planning Organization (MPO) and the state department of transportation district engineer, will review the site access study for compliance with these requirements. Projected traffic demands and necessary improvements created by a proposed GDP project will be evaluated by the county, the MPO and the state department of transportation district engineer.
- e. The results of the corresponding impacts shall be evaluated relative to the computed levels of service at various timeframes and durations as defined in the highway capacity manual. A plan for mitigating any adverse impacts shall be proposed by the developer and approved by the county prior to the issuance of any building permits. The traffic mitigation plan shall be based on the results of the traffic impact study and shall include proposed improvements, a cost estimate, a construction schedule and the extent of participation by the proposed development.
- f. If adequate facilities cannot be provided by the county or the state department of transportation, the county may require that: (i) the developer of the project provide the necessary improvements to overcome

the deficiency, or (ii) the development be delayed until the public sector makes the improvements, or (iii) the development be staged to coincide with staged improvements to ensure that roadway facilities are available concurrent with development.

(Code 1995, § 515.243(H))

**Sec. 44-809. Site design and improvement standards.**

- (a) *Scope.* The standards and regulations in this section shall be adhered to for all development and related activities within the 321-economic development district (321-ED) (special district-5):
- (b) *General provisions.* The following general provisions shall apply:
  - (1) *Other regulations.* The site design shall conform to all local, state and federal regulations through the GDP review process.
  - (2) *Long-range plans.* It shall also conform to all long-range plans concerning such issues as road building and utility extensions.
  - (3) *General site design.* In general, the site design shall attempt to reduce cut and fill; protect groundwater resources; avoid unnecessary paved surfaces; provide adequate access; promote visual attractiveness; and mitigate adverse impacts of noise, odor, traffic, drainage and utilities on adjacent properties.
  - (4) *Suitable sites.* The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, free from the probability of flooding, erosion, subsidence or slipping of the soil, or other dangers. Conditions of soil, groundwater level, drainage and topography shall all be appropriate to both the kind and pattern of use intended.
  - (5) *Unified site planning.* If appropriate to the form of development, lands to be included in 321-ED districts may be divided by streets, alleys, rights-of-way or easements, but shall be so located, dimensioned and arranged as to permit unified planning and development and to meet all requirements in connection therewith, as well as to provide necessary protection against adverse relationships between uses in the district and uses in surrounding areas.
- (c) *Preservation.* Protecting environmentally sensitive land and historical sites should be given high priority in site design. More specifically the following shall be preserved whenever feasible:
  - (1) Wetlands. Wetlands as defined through field inspection by the U.S. Army Corps of Engineers.
  - (2) Floodplains. Lands in the floodplain as identified on Federal Emergency Management Agency flood hazard maps.
  - (3) Steep slopes. Slopes in excess of 20 percent over intervals of ten feet or more;
  - (4) Historic sites.
- (d) *Dimensional requirements.* The following dimensional requirements shall be adhered to:
  - (1) *Permitted building height.* Buildings up to 75 feet shall be allowed in the 321-ED district subject to the setback requirements set forth in this section. Additional

building heights shall be allowed subject to an increase in building setbacks of one foot for each additional one foot in building height.

- (2) *Building setbacks.* The minimum building setback (required yard) from the edge of all street rights-of-way, planned street rights-of-way and property lines for the outer boundaries of the development shall be as follows:

Setback From . . .	Feet
U.S. 321 freeway right-of-way	100
Major and minor thoroughfare rights-of-way	75
All other road rights-of-way (public or private)	50
Nonresidential property lines	50
Residential property lines	75

- (3) *General subdivision lot requirements.* In subdivisions approved through the GDP process, design of interior individual lots shall adhere to the following dimensional requirements, except for requirements included in the site design and improvement standards in subsection (k)(5) and (6) of this section pertaining to mixed use development provisions (321-ED(MX) district only), residential developments and nonresidential standards:

Use Elements	Lot		Yards		
Minimum Sizes	Overall (sq. ft.)	Width (feet)	Front (feet)	Side (feet)	Rear (feet)
321-ED(MX)	20,000	100	30	20	30
321-ED(I)	40,000	100	30	25	35

- (4) *Street line Preservation.* Where a major and minor thoroughfare is planned to be built or widened and initial roadway design and right-of-way locations have been completed, all building setbacks shall account for these improvements. When a future road or road improvement is shown on the county thoroughfare plan or the Hickory-Newton-Conover Urban Area thoroughfare plan, the developer is to take possible road improvements into account in the site design.
- (5) *Nonresidential densities.* To encourage land assemblage, floor area ratios (FARs) shall be permitted on a sliding scale as follows:



<b>Project Size (acres)</b>	<b>Maximum FAR</b>
<b>5.00--24.99</b>	<b>1:3</b>
<b>25.00--49.99</b>	<b>1:2.75</b>
<b>50.00--74.99</b>	<b>1:2.5</b>
<b>75.00--99.99</b>	<b>1:2.25</b>
<b>100.00--199.99</b>	<b>1:2</b>
<b>200.00 and greater</b>	<b>1:1.75</b>

- (e) *Circulation system design.* The following circulation system requirements shall apply to all development in the 321-ED district:
- (1) *Generally.* 321-ED districts shall be so located with respect to expressways, arterial and collector streets, and shall be so designed as to provide direct access to and from such districts without creating traffic along minor streets in residential neighborhoods outside the district.
  - (2) *Access to major roads.* All GDPs shall have access to at least one major or minor thoroughfare unless it is less than the minimum parcel size requirement as noted in section 44-807(2)a pertaining to the GDP requirement for minimum parcel size.
  - (3) *Access points permitted.* One access point shall be allowed on any property with less than 400 feet of frontage on a major or minor thoroughfare. Two access points shall be allowed on major and minor thoroughfares if the property has frontage that equals or exceeds 400 feet on a major or minor thoroughfare and the results of a site access study or a recommendation from the state department of transportation indicate the need for a second access point. Three access points shall be allowed if the property has frontage that equals or exceeds 800 feet on a major or minor thoroughfare and the results of a site access study or a recommendation from the state department of transportation indicate the need for a third access point. Three access points shall be the maximum number of access points allowed for a single project on any major or minor thoroughfare.
  - (4) *Location of access points.* The location of access points shall be in conformance with the state department of transportation's policies for street and driveway connections.
  - (5) *Off-site traffic improvements.* Transition tapers and deceleration lanes shall be required for all GDP projects where a site access study requires or a recommendation from the state department of transportation indicates that such improvements are necessary. The costs of deceleration lanes and transition tapers shall be the responsibility of the owner or developer of the property.
  - (6) *Shared access.* Mutual shared access agreements shall be required between adjacent property owners with frontage on major or minor thoroughfares when site plans are submitted concurrently. When access is to be shared, easements, liability arrangements and a maintenance agreement must be submitted to the local government prior to occupancy. Where no mutual shared access is feasible due to topographical or other physical constraints, access shall be in conformance

with the state department of transportation's policies for street and driveway connections.

- (7) *Connected interior driveways/parking.* Adjacent commercial developments with access to a major or minor thoroughfare shall connect interior parking and driveways. Where adjacent commercial property is vacant, sufficient provisions to connect to the properties shall be submitted. Parcels with frontage on major or minor thoroughfares shall also be required to provide or reserve sufficient access to any adjacent properties with poor or nonexistent access. See subsection (e)(6) of this section pertaining to shared access. When a GDP is submitted for a tract that is located immediately adjacent to properties less than five acres that front along a common public street, the plan shall include the provision of reasonable access to the adjacent properties by one of the following ways:
  - a. Building layout shall be shown with a break or open space to allow for construction of a future road serving the adjoining property. The plan shall locate such future road site at a location where, according to sound engineering practices, actual construction of the road would be practical.
  - b. The internal road circulation pattern on the site plan shall show a roadway that will be constructed as part of the GDP which connects to the adjoining property.
- (8) *Channelization.* Channelization (the separation of conflicting traffic movements into well-defined paths of travel by traffic islands or significant pavement markings) improvements shall be considered where a site access study indicates the possible existence of significant turning conflicts involved with the new development.
- (9) *Signalization.* Only after all other traffic improvements have been explored shall signalizations be installed. Traffic signals will reduce turning conflicts but may significantly disrupt traffic flow.
- (10) *Street design.* All streets shall be designed and paved to meet state department of transportation standards.
- (f) *Landscaping, buffering and screening.* The following landscaping requirements shall apply to all development in the 321-ED district:
  - (1) *Construction cleanup.* All dead or dying trees, stumps, litter, brush, weeds or other debris shall be removed from the site at the time of occupancy.
  - (2) *Maintenance.* All landscaping and screening shall be maintained so as to continue their effectiveness.
  - (3) *Landscaping of disturbed land.* Landscaping of all cuts and fills shall be sufficient to prevent erosion. All roadway slopes shall also be landscaped.
  - (4) *Interior street landscaping.* For multitenant, multiparcel or multibuilding developments, shade trees shall be planted along both sides of all interior access streets, excluding streets not typically used by the public. Typical plantings must include as a minimum 14 shade trees per 1,000 linear feet which are at least eight feet tall at planting and will be 20 feet tall at maturation and which are similar in size and shape.

- (5) *Entranceways.* Multitenant, multiparcel or multibuilding developments must provide for the installation of a median-type entranceway at all entrances on major or minor thoroughfares. The median shall be grassed and landscaped.
- (6) *Use of existing topography.* Developments shall utilize existing topography, such as hills, ridges and berms, to screen parking and maintenance areas to the maximum extent possible.
- (7) *Highway 321 buffer.* A 50-foot landscaped buffer area shall be required for the portion of all development adjacent to the U.S. 321 right-of-way. The buffer shall include the following improvements:
  - a. One tree (eight feet tall in three years) per 50 linear feet of frontage;
  - b. One tree (smaller ornamental tree) per 50 feet of linear feet of frontage; and
  - c. One shrub or similar planting per 15 linear feet of frontage.
  - d. The remaining area shall include a ground cover of seeded grass, sod, or rock, brick, or wood mulch or any combination of these items.

The developer may substitute existing vegetation for some or all of these requirements when practical. Buildings or parking areas shall be prohibited in the buffer areas. The buffer areas shall extend along the entire length of the lot.

- (8) *Residential buffers.* When a 321-ED district directly abuts a residential zoning district, all of the structures for the nonresidential uses shall be set back 75 feet from the residential property lines. This area shall be labeled as the "natural buffer area." No buildings, signs or parking are allowed in this area. The buffer must include a row of evergreen trees placed not more than five feet apart which would form a continuous hedge of at least eight feet tall at planting. Low-growing evergreen shrubs shall fill in all gaps between the trees. Opaque fencing, six feet tall, or existing topography may be used in lieu of vegetative screening for all or part of the natural buffer area if the same or better screening will result. The intent of this requirement is to heavily screen the development from the residential district.
- (9) *Water body buffers.* An undisturbed natural buffer shall be provided along all rivers, streams, creeks and other natural bodies of water which: (i) are identified as perennial waters on the United States Geological Survey (USGS) quadrangle topographic maps; and (ii) qualify as environmentally sensitive areas (i.e., floodplains as delineated by the Federal Emergency Management Agency, and wetlands, as identified by the U.S. Army Corps of Engineers through field inspection). Where such resources are present, no design shall be approved unless it complies with the requirements of all applicable federal, state and local laws and regulations pertaining to these resources. These laws and regulations include but are not limited to section 404 of the Clean Water Act and its implementing regulations, article XIV of this chapter pertaining to flood damage prevention and division 3 of this article pertaining to the watershed protection district. Existing undesirable vegetation may be cleared and the buffer revegetated or landscaped within a reasonable time period to minimize sedimentation and erosion. Manmade bodies of water, such as retention ponds or aesthetic water attractions, are not subject to this requirement. These areas may be used to calculate required open

space as provided for in this section.

- (10) *Parking area landscaping.* Where parking facilities are located in the front of the development, the following landscaping standards are required:

- a. The standard for all parking areas shall be one shade tree, at least four feet tall at planting and eight feet within three years, per 2,000 square feet of space dedicated as parking. The trees shall be evenly spaced throughout the parking area. Five percent of the parking areas shall be landscaped with plantings (bushes, shrubs, flower beds). The perimeter landscaping standards shall not be combined with the parking area requirements. No more than 15 spaces may be in a continuous row without being interrupted by landscaping and at least one shade tree.
- b. A landscape buffer area, 35 feet wide, shall be required along all roads, which buffer shall include as a minimum one of the following:
  1. One tree (eight feet tall in three years) per 50 linear feet of frontage;
  2. One tree (smaller ornamental tree) per 50 feet of linear feet of frontage; and
  3. One shrub or similar planting per 15 linear feet of frontage.

The remaining area shall include a ground cover of seeded grass, sod, or rock, brick, or wood mulch or any combination of these items; a continuous row of shrubbery; a landscaped, stabilized earthen berm of at least four feet above parking lot grade level; or a wall. Attention shall be given to ensure that traffic safety measures are adhered to, including sight distance triangles. It is the intention of this requirement to create a more pedestrian-friendly environment; reduce urban heat; reduce wind and air turbulence; reduce noise; reduce the glare of automobile lights; reduce stormwater drainage problems; and protect and preserve the appearance, character and value of adjacent properties. It is not the intention of this requirement to decrease visibility or to unreasonably screen buildings or signs. No interior buffers are required between individual parcels or buildings in multiparcel or multitenant developments, such as shopping centers and industrial/office parks. This requirement is intended to provide a natural edge to an increasingly urban environment. If significant existing topography or other natural barriers provide a sufficient natural edge, the landscaped buffer areas may be waived.

- (11) *Maintenance area screening.* All loading, shipping, storage, maintenance, trash/refuse and mechanical areas shall be heavily landscaped with mature trees, at least six feet tall, or other screening, also six feet tall, while providing sufficient space for ingress and egress of vehicles. Mechanical areas on the tops of buildings shall be screened.
- (12) *Entrance landscaping.* Landscaping shall be provided at site entrances, in public recreation/open space areas and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with the type of development.

- (g) *Pedestrian design.* The following pedestrian design requirements shall apply to all development in the 321-ED district:
- (1) *Generally.* In general, the plan shall provide a unified and well-organized arrangement of buildings, service areas, parking, pedestrian and landscaped common areas providing for maximum comfort and convenience of visitors and employees. Commercial buildings shall be so grouped in relation to parking areas that, after visitors arriving by automobile enter the walkway system, establishments can be visited conveniently with a minimum of conflicts with vehicles.
  - (2) *Pedestrian design.* For multitenant/building/parcel projects, the site plan shall include provisions for pedestrian-scale amenities, which may include benches, picnic tables, courtyards, plazas, water attractions and trash receptacles. These enhancements are essential to creating an efficient and functional environment as well as promoting a sense of place. An area shall be reserved for pedestrian use and/or open space and shall be improved and maintained accordingly. Such areas may include covered malls for general pedestrian use, exterior walkways, outdoor seating areas and the like where the facilities are available for common use by employees and visitors. Required buffer areas and setback yards as well as improved deck and roof areas may be used to meet this requirement.
  - (3) *Heavy traffic generators.* Service stations, fast food restaurants and similar uses, if provided, shall be so located that operations do not interrupt pedestrian or traffic flows in other parts of the development.
  - (4) *Location of loading zones and maintenance areas.* Loading zones where customers pick up goods shall be so located and arranged as to prevent interference with pedestrian movement within the development. Facilities and access routes for shopping center deliveries, servicing, and maintenance shall be so located and arranged as to prevent interference with pedestrian traffic in the center.
  - (5) *Pedestrian travel.* All buildings or building clusters within the development shall be connected with linkages other than roads (sidewalks, bikeways and walking paths). When feasible, these linkages shall be provided between adjacent sites. Pedestrian access may be provided at any suitable locations within the district, but shall, where practicable, be separated from vehicular access points in order to reduce congestion, marginal friction and hazards, except where signalization is used in such a manner as to control pedestrian and vehicular movements safely.
  - (6) *Natural areas.* Protecting environmentally sensitive areas for use as open space in the development should be given a high priority in site design. The GDP shall identify these environmentally sensitive areas (e.g., floodplains as delineated by the Federal Emergency Management Agency, and wetlands, as identified by the U.S. Army Corps of Engineers through field inspection). Where such resources are present, no design shall be approved unless it complies with the requirements of all applicable federal, state and local laws and regulations pertaining to these resources. These laws and regulations include but are not limited to section 404 of the Clean Water Act and its implementing regulations, article XIV of this chapter pertaining to flood damage prevention and division 3 of this article pertaining to the watershed protection district.

(h) *Parking.* The following requirements shall apply to all parking in the 321-ED district:

- (1) *Generally.* Off-street parking shall be provided as required by article IX of this chapter pertaining to off-street parking and loading. Off-street loading shall be provided with area location and design appropriate to the needs of occupants of the district and protection of adjacent property from adverse effects. No space designated as required off-street parking space for the general public shall be used as off-street loading space or maneuvering room for vehicles being loaded or unloaded.
- (2) *Interior parking encouraged.* Parking lots shall be kept separate and shall be located in the interior sections of multiple-building developments when possible. In single-building developments, parking areas shall be located in the rear of the site when practical. If parking must be located in the front of buildings, the parking area landscaping requirements listed in subsection (f)(10) of this section pertaining to landscaping, buffering and screening, and parking area landscaping.
- (3) *Parking setbacks.* Where parking is located in the front, all parking areas shall be located behind the landscaped buffer areas and set back a minimum of eight feet from all buildings. This separation shall be grassed and landscaped and may include sidewalks.
- (4) *Connected parking areas.* All parking areas should be linked to parking on adjacent project sites. When adjacent property is zoned 321-ED, provisions shall be made to allow for this parking connection when the property develops.

(i) *Signs.* The following requirements shall apply to all signage in the 321-ED district:

- (1) *Generally.* All signs for the GDP project shall conform to the requirements in article XV of this chapter, except where the requirements included in this subsection are more restrictive. Additionally, the following shall apply:
  - a. No on-site sign larger than six square feet may be located closer than 100 feet from another similar or larger sign.
  - b. All signs shall be located in such a manner to avoid impeding the view of motorists or pedestrians.
  - c. No signs shall be located in any street right-of-way. Signs may be placed in the landscaped buffer areas.
- (2) *Prohibited signs.* The following signs shall be prohibited on any land zoned 321-ED:
  - a. Off-site outdoor advertising (billboards).
  - b. Portable signs.
  - c. Roof signs.
  - d. Mechanical movement signs.
  - e. Posters, streamers, or similar devices used to attract attention.
  - f. Windblown signs (banners, balloons, streamers, etc.).
  - g. Electronic changeable copy signs except for time and temperature signs not exceeding 15 square feet.

(3) *Permitted Signs.* The following signs shall be permitted:

- a.
  1. One on-site sign structure for multitenant/building/parcel development, having not more than two sign surface areas, may be erected to identify the center along each section of road frontage on a major or minor thoroughfare from which there is a median entranceway to the center. Such signs may not exceed 300 square feet in total sign area; may not be over 35 feet in height; may identify the center, as a whole, and the establishments' activities and facilities within the center but shall not include other advertising; or
  2. One on-site sign structure for single-tenant/building/parcel development, having not more than two sign surface areas, may be erected to identify the site along each section of road frontage on a major or minor thoroughfare from which there is a median entranceway to the site. The following height and area requirements shall apply, based on the type road that the establishment fronts on:

#### **SIGN REQUIREMENTS FOR INDIVIDUAL ESTABLISHMENTS**

<b>Lanes</b>	<b>Speeds</b>	<b>Area (sq. ft.)</b>	<b>Height (feet)</b>
2	15--25	10	5
2	30--40	20	6
2	45--55	50	16
4	15--25	15	6
4	30--40	35	11
4	45--55	80	18
6	15--25	20	14
6	30--40	40	16
6	45--55	100	20
Freeway	55+	150	28

Source: Street Graphics and the Law, Mandelker and Ewald, 1988.

- b.
  1. One wall sign shall be permitted for individual establishments or buildings within the project for each wall exposed to adjoining streets, mounted on the building and not extending above its lower roofline. Such sign shall not exceed ten percent of the area of the wall involved, provided that a sign area of 30 square feet shall not be exceeded; or
  2. One additional on-site sign shall be permitted for individual establishments or buildings within a multitenant/ building/parcel project, which shall have a width of no more than five percent of the building frontage, not to exceed seven feet, and a height of no more than four feet. The ground area around the sign shall also

include landscaping (flowers, shrubs, etc.).

- c. Signs directing traffic shall be permitted but shall not exceed five square feet per side.

(j) *Site appearance.* Site appearance shall be in accordance with the following:

- (1) *High quality design.* Building designs in the 321-ED district shall promote a diversity in style while striving to define a distinct character and maintain a high quality development standard.
- (2) *Underground utilities.* All on-site utilities (electrical, telephone, etc.) shall be located underground unless technical restrictions exist for doing so. Provisions shall be made to significantly reduce the visual blight of any aboveground utilities.
- (3) *Lighting.* Lighting shall be provided at intersections, along walkways, in parking lots, between buildings and at development entrances. All lighting shall be arranged to reflect the light away from adjacent properties and roadways. The maximum height shall be 25 feet for all lighting standards. Spacing of the standards shall be four times the height of the standard. Alternative lighting design may be approved which meets or exceeds the lighting pattern required in this subsection (j)(3). The lighting plans shall be endorsed by the utility provider.
- (4) *Paving materials.* Design and choice of paving materials in pedestrian areas, including crosswalks and sidewalks, shall include brick, concrete (aggregate exposed finish), cement pavers, brick pavers or similar materials.

(k) *Mixed use development for 321-ED(MX) district only.* The following apply to mixed use development for the 321-ED(MX) district only:

- (1) *Intent.* The mixed use development concept intends to:
  - a. Permit a flexible mixture of various residential development types which may include certain commercial/office/civic establishments primarily serving the residents living in the development.
  - b. Encourage commercial and office uses that do not attract large volumes of traffic and continuous consumer turnover.
  - c. Provide for an alternative to strip-style, highway-oriented commercial uses.
  - d. Permit uses that promote the construction of new buildings and the conversion of existing buildings that maintain the visual character and architectural scale of other uses in the same project.
  - e. Minimize the visual and functional conflicts between residential and nonresidential uses within and surrounding the development.
  - f. Create relatively self-contained residential neighborhoods that provide many services on site that would otherwise require frequent automobile use.
- (2) *Permitted uses.* The following uses shall be permitted in mixed use developments provided that the use compatibility criteria in subsection (k)(3) of this section are adhered to for each proposed use:



- a. Residential uses, including multifamily (including townhouses), duplexes, zero-lot-line single-family homes, and typical large-lot single-family detached homes.
  - b. Retail specialty shops, including the sale of gifts, antiques, flowers, books, jewelry, wearing apparel; craft shops; and other similar uses.
  - c. Personal service shops, including tailors, beauty salons, barbers, shoe repair, dressmaking and other similar uses.
  - d. Business offices, including financial services (excluding drive-in windows) real estate sales, travel agencies, insurance sales, advertising, mailing services, and other similar uses.
  - e. Studios for dance, art, music, photography or similar uses.
  - f. Professional offices for doctors, lawyers, dentists, chiropractors, engineers, architects and other similar uses.
  - g. Mixed use structures containing one or more dwelling units and other nonresidential uses permitted in this subsection.
  - h. Government buildings or structures necessary to serve the residents of the development, including but not limited to schools, libraries, post offices, utility maintenance buildings.
  - i. Accessory buildings and uses.
- (3) *Use compatibility criteria.* The permitted uses listed in subsection (k)(2) of this section must adhere to all of the following compatibility criteria to be permitted:
- a. There is a clear relationship between nonresidential and residential uses on any one site or adjacent sites.
  - b. The use will not attract large volumes of vehicular traffic nor require more than one access point.
  - c. Minimum visual and functional conflict will be created between the proposed uses or nearby uses.
  - d. Anticipated noise and congestion created by the use will be insignificant, especially in the evenings.
  - e. The bulk, height and scale of the buildings will be compatible with surrounding or proposed residential development.
- (4) *Mixed use development standards; general design guidelines.* In addition to the applicable 321-ED district requirements listed in this division, all mixed use developments must conform to the standards in this subsection (k)(4). Without limiting the inventiveness and creativity of the developer, the general design guidelines shall be adhered to:
- a. All building sites and/or buildings shall be accessed on interior streets, not on thoroughfares or arterials or collectors.
  - b. The placement of all buildings shall take into consideration topography, privacy, building height, orientation, drainage and aesthetics.

- c. The commercial development on the site shall preferably be located at the development entranceways at major or minor thoroughfares unless significantly reliant on pedestrian customers. Higher density residential development shall be located along major interior roads between or at intersections.
  - d. Common, accessible open space shall be required for all mixed use developments. The open space shall be pedestrian oriented and shall include such amenities as park benches, walking trails and gazebos. Parking or vehicular access within these areas shall be prohibited. The open space must comprise at least 20 percent of the gross project area and may be more when the reduced lot sizes are used or transfer-of-development rights are granted.
  - e. The site shall be divided into clusters or mini-neighborhoods that separate the different development types. This must be done while maintaining the interconnectivity and accessibility of all uses. The number of units per cluster shall be between four and 20. The use of curving culs-de-sac off interior collector roads is recommended to achieve the clusters.
  - f. There must be one central focus area to the project. The focus may be a recreation or common open space area (playground, tennis courts, golf course), an entertainment facility (clubhouse, meeting facility, amphitheater) or a pedestrian-oriented commercial area needing little or no parking.
  - g. There shall be several small pocket parks that serve as convenient passive open space and/or recreation areas for those directly adjacent residents.
  - h. Sidewalks, five feet wide, shall be included with all interior access street and parking area designs. Sidewalks may be constructed at the time of development or may be phased in over a period of several years as demand warrants. If the sidewalks are to be phased in over time, the developer must make payments to a fund that would pay for the sidewalks over time. This payment arrangement must be satisfactory to the county planner. All sidewalks between residential, open space and commercial sections shall be safe and lead to storefronts, not service areas.
- (5) *Residential developments.* Standard, large lot residential developments, exclusive of any other residential type, are not permitted in the 321-ED district. However, large, single-family lots shall be permitted in conjunction with other residential types including the following:
- a. *Clustered single-family and duplexes.*
    - 1. Minimum lot size: 20,000 square feet. However, lots may be reduced by up to 50 percent of the minimum required lot size, provided that at least 75 percent of the balance of the original lot size must be preserved as common open space, accessible by all reduced building sites. Up to 50 percent of the common open space may be located in a designated floodplain or may be reserved for a public use.

2. Minimum lot width: 50 feet (60 feet for duplexes); add ten feet on corner lots.
3. Minimum front yard: 15 feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).
4. Minimum side yards: ten feet.
5. Minimum rear yards: 20 feet.
6. Maximum height: 35 feet or 2 1/2 stories.
7. Accessory buildings shall be located in the rear yard no closer than five feet from the principal dwelling or five feet from any property line and no more than ten feet in height.

b. *Zero-lot-line.* Zero-lot-line development allows the construction of single-family dwellings on individual recorded lots without a side yard requirement on one side. This concept permits the better use of the entire lot by compacting the front, rear and side yards into one or more internal gardens which may be completely walled or screened. This type of development is an affordable alternative to standard large-lot single-family dwelling units and apartments, condominiums or townhouses, which usually share common walls.

1. Minimum lot size: 20,000 square feet. However, lots may be reduced by up to 75 percent of the minimum required lot size, provided that at least 75 percent of the balance of the original lot size must be preserved as common open space, accessible by all reduced building sites. Up to 50 percent of the common open space may be located in a designated floodplain or may reserved for a public use (school, library, community building, etc.).
2. Minimum lot width: 40 feet (50 feet on corner lots).
3. Minimum front yard: ten feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).
4. Minimum side yards: ten feet on one side, zero feet on the opposite. However, in no case shall a zero-lot-line dwelling be closer than ten feet to the lot line of a large-lot single-family home site or a dedicated street.
5. Minimum rear yards: 20 feet.
6. Maximum height: 35 feet or 2 1/2 stories.
7. Dwellings shall be constructed against one side lot line, and no windows, doors or other openings shall be permitted on this side. The developer must provide for an unobstructed wall maintenance easement of five feet on the adjacent property.
8. Accessory buildings shall be located in rear yard no closer than five feet from the principal dwelling or five feet from any property line and no more than ten feet in height.

- c. *Multifamily.* To encourage land assemblage, densities for all multifamily projects shall be administered on the sliding scale as follows; this is based on the acreage of the project:

<b>Project Acreage Allocated for Residential Uses</b>	<b>Dwelling Units per Acre</b>
5 or less	Not permitted
5--9.99	10
10--14.99	12
15--19.99	14
20 or more	16

1. In no case shall there be more than four multifamily units in one linear designed building. Where the design is nonlinear, the county planner shall determine the number of attached units that are appropriate.
  2. Minimum front yard: 15 feet (25 feet where the lot abuts a dedicated street or a large-lot single-family home site).
  3. Minimum side yards: ten feet.
  4. Minimum rear yards: 20 feet.
  5. Maximum height: 35 feet or 2 1/2 stories.
- (6) *Nonresidential standards.* The permitted commercial uses listed in subsection (k)(2) of this section are allowed in the GDP zoning district through the GDP review process. These uses shall comply with the following standards:
- a. The permitted uses listed in subsection (k)(2) of this section must comply with the use compatibility criteria in subsection (k)(3) of this section.
  - b. The following site design and dimensional standards shall apply for all nonresidential components of a mixed use development:
    1. Minimum lot size: 10,000 square feet.
    2. Minimum lot width: 50 feet (60 feet for duplexes); add ten feet on corner lots.
    3. Maximum height: 35 feet or 2 1/2 stories.
    4. Accessory buildings shall be located in rear yard no closer than five feet from the principal dwelling or five feet from any property line and no more than ten feet in height.
- (7) *Parking requirements.* The following parking requirements shall apply to multifamily and nonresidential components of all mixed use developments:

- a. The minimum number of off-street parking spaces shall comply with the requirements of article IX of this chapter pertaining to off-street parking and loading requirements.
- b. The parking area locational criteria and design and standards of subsection (f) of this section pertaining to landscaping, buffering and screening and subsection (h) of this section pertaining to parking shall be adhered to for all mixed use developments.
- c. On-street parking, provided by the developer, may be allocated by the county planner as a portion of the required on-site parking requirements until the allocation of these spaces is completed. To be allocated, the parking space may be no further than 200 feet from the establishment's main entrance.

(Code 1995, § 515.243(I))

Secs. 44-810--44-835. Reserved.